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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,514

12/27/2001

Sidney E. Frank

4148-4002

8649

7590

04/23/2004

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

12

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,514

Applicant(s)

FRANK ET AL.

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to applicants' amendment filed on 02/23/2004 (entered into the file wrapper as Paper No. 11). Claims 1-33 are currently pending in the application. Claims 20-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species II. Claims 1-19 and 24-33 are considered as follows:

2. This application contains claims 20-23 drawn to an invention nonelected with traverse in Paper No. 9. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 9, "a image" should be changed to – an image--, due to a grammatical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 9, 13-16 and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura (USPN: 5,553,735 A, cited in IDS filed on 06/16/2003), and further in view of de la Huerga (USPN: 5,852,590, cited in IDS filed on 12/16/2002), hereinafter Huerga.

Regarding to these claims, Kimura discloses a system (see fig. 6) comprising a container having a sidewall (an inner shell 41) having a first opening, an interior compartment (a cavity

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45) formed by an inner shell (41) and an outer shell (42) (col. 1, lines 41-42), and a display system disposed in the interior compartment (cavity). See a display (3) as shown in fig. 2, or a display including a plurality of lights (51) as shown in fig. 8, or a LCD at col. 3, line 50. Further, as noting at col. 3, lines 39-52, Kimura discloses the display system comprising a first display unit (LED display 51, PDP device, CRT device or LCD device, see fig. 8, col. 3, lines 47-52), a control unit (a flexible circuit 52, fig. 8, col. 3, lines 43-45) and a power unit (a power supply 50, fig. 8) such as a battery cell (col. 3, lines 44-45). As noting in fig. 6, since the outer shell (42) is included in the system to cover the first opening of the sidewall; therefore, Kimura fails to teach the first opening being external. Accordingly, the Kimura reference discloses all the claimed limitations except for the first opening being external, as claimed.

However, Huerga discloses a system (see fig. 4) comprising a container having a sidewall (a wall 22), an interior compartment (a recess 28) which is accessible from a first external opening of the sidewall (22), and a display (an interactive label 50, col. 9, line 54 through col. 10, line 4) securely fitting in the interior compartment (28) and displayed from the first external opening on the sidewall (22), so that the display (50) lies substantially flush with the sidewall (22) (see fig. 4, col. 9, lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make the Kimura interior compartment so that the Kimura display securely fits in the interior compartment, is displayed from the first external opening on the sidewall, and lies substantially flush with the sidewall, in view of the teaching in the Huerga reference, because this would eliminate the use of the outer shell (42) of the system as shown in fig. 6, thereby reducing the cost of the system.

6. Claims 2-6, 10-12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

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over Kimura in view of Huerga, and further in view of Blotky et al. (USPN: 6,084,526, cited in IDS filed on 12/16/2002), hereinafter Blotky.

Regarding to claims 2-5, 10, 11 and 17-19, as discussed above, the combination of Kimura and Huerga references discloses all the claimed limitations except that Kimura does not disclose expressly the system comprising an audio/sound generation unit, a memory and a manual control unit, as recited in these claims.

However, Blotky discloses the system comprising an audio/sound generation unit comprising piezoelectric or ceramic speakers 58, a memory (46) and a manual control unit (56) (figs. 1,2, 4 and 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide an audio/sound generation unit, a memory and a manual control unit, in the system of Kimura, in view of the teaching in the Blotky reference, because this would provide a viewer multimedia presentations including moving images and sound, as taught by Blotky (col. 1, lines 42-45).

Regarding to claim 6, Kimura further teaches the sidewall having a second opening and a second display unit (fig. 2).

Regarding to claim 12, as discussed in the rejection to claim 10 above, the combination of Kimura and Blotky discloses all the claimed limitations except that the combination fails to teach the manual control unit comprising a remote control unit to allow usage of a remote control device, as claimed. However, Official Notice is taken that the manual control unit comprising a remote control unit to allow usage of a remote control device is well-known and expected to those of ordinary skill in the art. Further, the benefits of using the remote control unit to allow the operator to control the remote device from a far distance is also well known and expected to

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those of ordinary skill in the art. It would have been obvious to have included a remote control unit in the manual control unit of Kimura in view of Blotky because this would allow the operator to control the remote device from a far distance.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura in view of Huerga, as applied to claim 1 above, and further in view of Russell (USPN: 5,339,548 A, cited in IDS filed on 12/16/2002).

Regarding to claim 8, Kimura further teaches the display unit comprising LEDs, light bulbs, laser diodes, plasma display panel, LCD, CRT, or photoluminescent panels (col. 39-52). Accordingly, Kimura in view of Huerga discloses all the claimed limitations except that Kimura does not disclose expressly the display device comprising at least one film and at least one electroluminescent lamp situated behind the image film. However, Russell discloses expressly a system comprising a display device comprising at least one film (a glass or plastic transparent material 24, fig. 4, col. 2, lines 37-40) and at least one electroluminescent lamp backlighting device 30, fig. 4) situated behind the image film. It would have been obvious to one of ordinary skill in the art to substitute the Russell display device for the Kimura display device because this would provide a low cost display device since there is no need a driving circuit for driving an image on a film.

Response to Arguments

8. It is noted Applicants that the drawing objection under 37 CFR 1.83(a), and the claim objection in the last Office Action dated 12/17/2003, are hereby withdrawn in view of the amendment filed 2/23/2004.

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9. Applicants' arguments with respect to the rejections under 35 USC 102 and 35 USC 103, in light of the currently amended independent claims 1, 15, 16 and 24, in the amendment, pages 10-12, have been considered but are moot in view of the new ground(s) of rejections. Please see the new grounds of rejections above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

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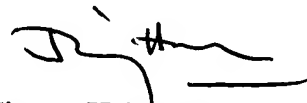
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
April 21, 2004



Jimmy H. Nguyen
Examiner
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